

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Kevin Harbin, a/k/a Kevin Habin; )  
Augustus McBeth; Robert Hutto; John )  
Henry Hart; Michael Young; NFN )  
Ras'Khafre; Jarvis Gibbs; Markey Linen; )  
Darvin Allen; Carlos Rolind; Christopher )  
Gale; Henry J. Dukes; Kenneth White; )  
Lashaun Byrd; Rafi-Al Jami; and, )  
Williams Sims, )

Plaintiffs, )

v. )

Civil Action No.: 6:13-01973-JMC

South Carolina Department of Corrections; )  
William R. Byars, Jr., Director; John H. )  
Carmichael, Jr., Deputy Director; )  
Gary A. Boyd, Director of Inmate Services; )  
Lloyd J. Roberts, Chief Chaplain of Inmate )  
Service; Omar Shaheed, Senior Muslim )  
Chaplain of Islam Affairs; Tamir Abdul )  
Mutakabluir, Islam Affairs; Reginald )  
Cruz, Chaplain of Inmate Service; Glenn )  
Sherman, Chaplain of Inmate Service; )  
David Tatarsky, General Counsel; and, )  
Sandra Bowie, Policy Development )

Defendants. )

**ORDER**

This matter is before the court for review of the magistrate judge's Report and Recommendation ("Report") [ECF No. 39], filed on August 29, 2013, recommending that all named Plaintiffs with the exception of Plaintiff Harbin be dismissed from this action because Plaintiff Harbin is the only individual who signed the complaint [ECF No.1] and the other named Plaintiffs have neither submitted their signatures nor responded to Defendants' Motion to Dismiss [ECF No. 8]. Plaintiffs brought this action seeking relief pursuant to Title 42 U.S.C. § 1983. The Report sets

forth in detail the relevant facts and legal standards on this matter which the court incorporates herein without a recitation.

The magistrate judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. "The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination." *Wallace v. Hous. Auth.*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citing *Matthews v. Weber*, 423 U.S. 261, 271 (1976)). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiffs were advised of their rights to file objections to the Report [ECF No. 39 at 4]. However, Plaintiffs filed no objections to the Report.

In the absence of objections to the magistrate judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Therefore, after a thorough and careful review of the magistrate judge's Report and Recommendation and the record in this case, the court finds the magistrate judge's Report provides an accurate summary of the facts and law and the record in this case. The court **ACCEPTS** the Report and Recommendation [ECF No. 39]. For the reasons articulated by the magistrate judge, it is therefore **ORDERED** that all named Plaintiffs with the exception of Plaintiff Harbin are **DISMISSED** from the above-captioned action.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

November 4, 2013  
Greenville, South Carolina